

House File 455 - Introduced

HOUSE FILE _____
BY KAUFMANN, ABDUL=SAMAD,
SCHUELLER, and SANDS

Passed House, Date _____ Passed Senate, Date _____
Vote: Ayes _____ Nays _____ Vote: Ayes _____ Nays _____
Approved _____

A BILL FOR

1 An Act relating to child custody and visitation.
2 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
3 TLSB 1673YH 83
4 pf/nh/8

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1 1 Section 1. NEW SECTION. 256.47 EXTRACURRICULAR
1 2 ACTIVITIES == CUSTODIAL INTERFERENCE.
1 3 A school=related extracurricular activity shall not be
1 4 required for a student if it interferes with the custody
1 5 arrangement of a student when the extracurricular activity is
1 6 scheduled outside of regular school hours. If a scheduled
1 7 school=related extracurricular activity interferes with a
1 8 noncustodial parent's custody arrangement, the parent shall
1 9 notify an appropriate school official and the student shall be
1 10 excused without penalty from attending the specific activity.
1 11 This section does not apply to special events such as
1 12 performances, games, and competitions. For the purposes of
1 13 this section, "school=related extracurricular activity" means
1 14 an activity that takes place outside of regular school hours
1 15 whether or not it is related to the student's academic
1 16 curriculum. The state board shall adopt rules relating to the
1 17 implementation of this section.
1 18 Sec. 2. Section 598.21D, Code 2009, is amended to read as
1 19 follows:
1 20 598.21D RELOCATION OF PARENT AS GROUNDS TO MODIFY ORDER OF
1 21 CHILD CUSTODY == LEVEL OF CARE CONSIDERATION IN MODIFYING.
1 22 1. If a parent awarded joint legal custody and physical
1 23 care or sole legal custody is relocating the residence of the
1 24 minor child to a location which is one hundred fifty miles or
1 25 more from the residence of the minor child at the time that
1 26 custody was awarded, the court may consider the relocation a
1 27 substantial change in circumstances.
1 28 2. If the court determines that the relocation is a
1 29 substantial change in circumstances, in determining the best
1 30 interest of the child, the court may modify an existing order
1 31 that awarded joint legal custody and physical care to the
1 32 relocating parent and instead award joint legal custody and
1 33 physical care to the nonrelocating parent, if the court finds
1 34 that, in regard to the level of care provided by each parent,
1 35 the care provided by the nonrelocating parent is equal to the
2 1 level of care provided by the relocating parent. If the court
2 2 modifies the order and awards joint legal custody and physical
2 3 care to the nonrelocating parent, the court shall modify the
2 4 custody order to, at a minimum, preserve, as nearly as
2 5 possible, the existing relationship between the minor child
2 6 and the relocating parent. If modified, the order may include
2 7 a provision for extended visitation during summer vacations
2 8 and school breaks and scheduled telephone contact between the
2 9 relocating parent and the minor child. The modification may
2 10 include a provision assigning the responsibility for
2 11 transportation of the minor child for visitation purposes to
2 12 either or both parents.
2 13 3. If the court determines that the relocation is a
2 14 substantial change in circumstances, and the court modifies
2 15 the custody order retaining the provisions of the order
2 16 awarding joint legal custody and physical care or sole legal
2 17 custody to the relocating parent, the court shall modify the
2 18 custody order to, at a minimum, preserve, as nearly as
2 19 possible, the existing relationship between the minor child
2 20 and the nonrelocating parent. If modified, the order may

2 21 include a provision for extended visitation during summer
2 22 vacations and school breaks and scheduled telephone contact
2 23 between the nonrelocating parent and the minor child. The
2 24 modification may include a provision assigning the
2 25 responsibility for transportation of the minor child for
2 26 visitation purposes to either or both parents.

2 27 4. If the court makes a finding of past interference by
2 28 ~~the a parent awarded joint legal custody and physical care or~~
2 29 ~~sole legal custody~~ with the minor child's access to the other
2 30 parent, the court may order the posting of a cash bond to
2 31 assure future compliance with the visitation provisions of the
2 32 decree. The supreme court shall prescribe guidelines for the
2 33 forfeiting of the bond and restoration of the bond following
2 34 forfeiting of the bond.

2 35 Sec. 3. Section 598.23, subsection 1, Code 2009, is
3 1 amended to read as follows:

3 2 1. If a person against whom a temporary order or final
3 3 decree has been entered willfully disobeys the order or
3 4 decree, the person may be cited and punished by the court for
3 5 contempt and be committed to the county jail for a period of
3 6 time not to exceed thirty days for each offense. The court
3 7 may find that a person willfully disobeyed the order or decree
3 8 and hold the person in contempt if the person is found to have
3 9 unilaterally decided to deny visitation, as prescribed by the
3 10 order or decree, in response to a non-life-threatening
3 11 emergency.

3 12 Sec. 4. Section 598.41, Code 2009, is amended by adding
3 13 the following new subsection:
3 14 NEW SUBSECTION. 7A. Unless the court finds that such a
3 15 provision is not in the best interest of the child, in any
3 16 custody order or decree in which the parents are awarded joint
3 17 legal custody, the order or decree shall provide that each
3 18 parent shall offer the other parent the opportunity for
3 19 additional time with the child before making other
3 20 arrangements for temporary care of the child if, during the
3 21 time a parent is otherwise responsible for providing physical
3 22 care of the child, the parent is unable to provide such
3 23 physical care for a period of time exceeding eight consecutive
3 24 hours.

3 25 EXPLANATION

3 26 This bill includes provisions relating to custody and
3 27 visitation of a child.

3 28 The bill allows students to be excused from school-related
3 29 extracurricular activities if the activity interferes with
3 30 scheduled visitation with a noncustodial parent. The bill
3 31 requires that when a parent informs a school official of a
3 32 conflict between an extracurricular activity scheduled outside
3 33 regular school hours and the student's custody arrangement
3 34 with a noncustodial parent, the student will be excused from
3 35 the activity without penalty. The bill provides exceptions
4 1 for special events such as performances, games, and
4 2 competitions. The bill covers all school-related
4 3 extracurricular activities, whether or not the activities are
4 4 related to the student's academic curriculum. The bill
4 5 requires the state board of education to adopt rules that will
4 6 enforce the bill.

4 7 The bill amends provisions relating to relocation of a
4 8 parent as grounds for modification of a child custody order.
4 9 Current law provides that if a parent who has been awarded
4 10 joint legal custody and physical care or sole legal custody is
4 11 relocating the residence of the minor child to a location
4 12 which is 150 miles or more from the residence of the minor
4 13 child at the time that custody was awarded, the court may
4 14 consider the relocation a substantial change in circumstances.
4 15 The bill provides that if the court determines that the
4 16 relocation is a substantial change in circumstances, in
4 17 determining the best interest of the child, the court may
4 18 modify the existing order that awarded joint legal custody and
4 19 physical care to the relocating parent and instead award joint
4 20 legal custody and physical care to the nonrelocating parent,
4 21 if the court finds that, in regard to the level of care
4 22 provided by each parent, the care provided by the
4 23 nonrelocating parent is equal to the level of care provided by
4 24 the relocating parent. If the court does modify the order and
4 25 awards joint legal custody and physical care to the
4 26 nonrelocating parent, the court is also to modify the custody
4 27 order to preserve, as nearly as possible, the existing
4 28 relationship between the minor child and the relocating
4 29 parent. Additionally, if the order is modified, the order may
4 30 include a provision for extended visitation during summer
4 31 vacations and school breaks and scheduled telephone contact

4 32 between the relocating parent and the minor child. The
4 33 modification may also include a provision assigning the
4 34 responsibility for transportation of the minor child for
4 35 visitation purposes to either or both parents.

5 1 Current law is retained regarding modification of the order
5 2 in a manner that retains the award of custody with the
5 3 relocating parent and the provisions relating to preserving
5 4 the existing relationship with the nonrelocating parent,
5 5 extended vacations and school breaks, telephone contact, and
5 6 provision for transportation of the minor child for visitation
5 7 purposes to either or both parents.

5 8 The bill amends the provision relating to posting of a cash
5 9 bond based on past interference by the relocating parent to
5 10 apply to both parents.

5 11 The bill provides that one basis for a finding of contempt
5 12 under the dissolution of marriage and domestic relations Code
5 13 chapter is that a person willfully disobeyed an order or
5 14 decree by unilaterally deciding to deny visitation, as
5 15 prescribed by the order or decree, in response to a
5 16 non-life-threatening emergency. The punishment for contempt
5 17 is commitment to the county jail for a period not to exceed 30
5 18 days for each offense, or an alternative penalty specified in
5 19 the section.

5 20 The bill also directs that, unless the court finds that it
5 21 is not in the best interest of the child, any custody order or
5 22 decree in which the parents are awarded joint legal custody
5 23 shall provide that each parent shall offer the other parent
5 24 the opportunity for additional time with the child before
5 25 making other arrangements for temporary care of the child if,
5 26 during the time a parent is otherwise responsible for
5 27 providing physical care of the child, the parent is unable to
5 28 provide such physical care for a period of time exceeding
5 29 eight consecutive hours.

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